

### **REMARKS**

The Office Action dated February 10, 2006 has been received and its contents carefully noted. By the above actions, claims 1, 2, 7, 8, 12, 14-17 and 21-25 are pending in the application. In order to better define that which Applicants regard as the invention, claims 1 and 14 have been amended. In addition, claim 25 has been amended to correct an informality. No new matter has been added. Support for the Amendments are provided in the original claims, Figures 1-3, 7, 8, and 11 and related text of the specification.

In view of these actions and the following remarks, reconsideration of this application is now requested.

#### **Claim Objections**

Claim 25 is objected to because claim 25 states that the main handle has spring-loaded contacts mating with second contacts on the handle portion, while the specification discloses that the handle portion is the portion with the spring-loaded contacts and the main handle has the second contacts. Claim 25 has been amended to recite that "the handle portion further comprises a first set of spring-loaded contacts positioned to mate with a second set of contacts on the main handle." In view of this amendment to claim 25, the objection has been overcome. Therefore, withdrawal of the objection to claim 25 is in order and is respectfully requested.

#### **Rejections under 35 U.S.C. § 102**

Claims 1, 2, 14, 15 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,412,398 to Norcross et al. Applicants respectfully traverse the rejection. In particular, amended independent claims 1 and 14 now recite that "the main handle forms one end of the entire apparatus while the main handle is connected to the handle portion." In the illustrated embodiment shown in FIGS. 1-3 of the present application, the main handle 16 extends from the piercing element 18 to form the other end of the entire apparatus, while the main handle 16 is connected to the handle portion 14. On the other hand, the Examiner explains that Norcross et al. discloses "a main handle (106) connected to the fork (24) and forming one end of the apparatus (when separated as shown in figure 2)." (See Office Action, page 3, lines 1-2, emphasis added.) Assuming that the receiving region 106 in

Norcross et al. is a main handle, the main handle 106 only forms an end when it is separated from the handle portion 22, as shown in FIG. 2 of Norcross et al. Indeed, as FIG. 1 of Norcross et al. clearly illustrates, when the main handle 106 is connected to the handle portion 22, the handle portion 22 and the head 24 form the two ends of the entire apparatus. According to the Examiner's interpretation, the main handle 106 in Norcross et al. only forms an end of a part of the apparatus, and does not form an end of the entire apparatus while the main handle is connected to the handle portion, as required by claims 1 and 14. As a result, Norcross et al. fails to disclose each and every limitation recited by independent claims 1 and 14. Accordingly, withdrawal of the rejections of claims 1 and 14 is in order and is respectfully requested.

In addition, Applicants respectfully submit that dependent claims 2 and 15 are allowable since they depend on what is now believed to be allowable base claims 1 and 14.

In response to the Examiner's rejection of independent claim 17, Applicants point out that claim 17 states "the means for displaying [are] positioned between two ends of the means for holding." Moreover, claim 17 recites "a means for reattaching for temporarily separating the means for displaying from the means for holding." (emphasis added.) As explained in the present specification and shown in FIGS. 1-2, "[a] handle portion 14 of the food thermometer 10 is removably connected to the main handle 16" and "[t]he handle portion contains a display 22." (See present specification, page 6, line 20 – page 7, line 3.) Thus, the means for displaying 22 is separable from the means for holding 16, as recited in claim 17. According to the Examiner, however, Norcross et al. recites a "reattaching means for temporarily separating the means for displaying (26) from the means for sensing (24)" (See Office Action, page 4, lines 8-9, emphasis added). While Norcross et al. may teach the separation of the means for displaying from the means for sensing, the Examiner fails to point out how Norcross et al. anticipates claim 17, which recites separation of the means for displaying from the means for holding. In fact, the Examiner asserts that the means for holding in Norcross et al. is the handle (22) and the means for displaying is the display (26), as shown in FIG. 1. (See Office Action, page 4, lines 5-7.) It is clear from the Examiner's interpretation, though, that the means for displaying in the cited reference cannot be separated from the means for holding, as required by claim 17. Thus, because Norcross et al. does not disclose the separation of the means for displaying from the means for holding, the Examiner

has provided insufficient grounds for the rejection. Accordingly, withdrawal of the rejection of independent claim 17 is in order and is respectfully requested.

**Rejections under 35 U.S.C. § 103**

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Norcross in view of U.S. Patent Application Publication 2003/0097759 to Bond et al. In view of the amendment to base claim 1, Applicants respectfully submit that this rejection is rendered moot and that dependent claim 7 is allowable at least for the reason of its dependency on allowable base claim 1.

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Norcross in view of U.S. Patent 3,742,602 to Brumwell. In view of the amendment to base claim 1, Applicants respectfully submit that this rejection is rendered moot and that dependent claim 8 is allowable at least for the reason of its dependency on allowable base claim 1.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Norcross in view of U.S. Patent 5,066,242 to Martucci. In view of the amendment to base claim 1, Applicants respectfully submit that this rejection is rendered moot and that dependent claim 12 is allowable at least for the reason of its dependency on allowable base claim 1.

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Norcross. In view of the amendment to base claim 14, Applicants respectfully submit that this rejection is rendered moot and that dependent claim 16 is allowable at least for the reason of its dependency on allowable base claim 14.

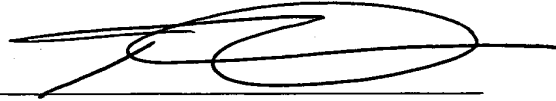
**Allowable Subject Matter**

Claims 21-24 are allowed. In addition, claim 25 has been found to have allowable subject matter. Applicants acknowledge and appreciate the Examiner's allowance of claims 21-24 and finding that claim 25 contains allowable subject matter. As explained previously, claim 25 has been amended to overcome the Examiner's objection and is now in a condition for allowance.

Therefore, the present application is now believed to be in condition for allowance. However, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicants' representative,

then the Examiner is invited to contact the undersigned by telephone in order that further prosecution of this application can thereby be expedited.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

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